

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24875 of 2016

Arising Out of PS.Case No. -180 Year- 2015 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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Prashant Ranjan, son of Pramod Kumar Singh, resident of Village-
Bhasepur, P.O.-Ratwara, P.S.- Bazapatti, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shalini Saurabh, W/o Prashant Ranjan, R/o Bhasopur, P.S. Bajpatti,
District – Sitamarhi, At present C.V. Singh Campus, Chakkar Maidan
Road Rasulpur Jilani, P.S. Kazi Mohammadpur, District – Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

07/ 14-02-2017

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 406 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and driving out the informant from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but subsequent to lodging of the FIR the petitioner



has filed Matrimonial Suit No. 65 of 2015 with a prayer for divorce.

Notices were issued to the informant-opposite party no. 2 vide order dated 20.06.2016. In view of the office note dated 29.06.2016 which reflects that opposite party no. 2, though, received the notice but refused to give receiving, hence the notices issued to opposite party no. 2 were treated as deemed valid service vide order dated 27.09.2016. Thereafter, the matter was adjourned to 04.10.2016, 08.12.2016, 27.01.2017 due to non-appearance of opposite party no. 2. Today also none appears on behalf of opposite party no. 2.

Learned counsel for the petitioner further submits that due to the apathetic attitude of opposite party no. 2 the petitioner is not ready to keep her. However, petitioner is ready to make payment of Rs.2,500/- per month from March, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month or in alternative before the learned court below.

Considering the nature of accusation and the fact that in spite of valid service of notice informant chose not to appear or controvert the contention of the petitioner and the present stand of the petitioner which at least, at present, will



save the informant from destitution and vagrancy, moreover, since the matrimonial suit has been filed by the petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge 1st –cum- Additional Chief Judicial Magistrate, Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 180 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforesaid amount will be deposited by the petitioner per month before the learned court below which will be subject to the result of the case but if the informant appears and files an application for the release of the amount then the said amount will be released in her favour by learned court below and thereafter the petitioner will deposit the said amount in the bank account of the informant if the informant submit her bank account number on affidavit before the learned court below.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected



proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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